AN

ESSAY

ON THE

RIGHT OF CONQUEST

Στὺξ δὲ τέκ', Ὠκεανοῦ θυγάτηρ, Πάλλαντι μιγεῖσα
ΖΗΛΟΝ καὶ ΝΙΚΗΝ καλλίσφυρον ἐν μεγάροισι·
Καὶ ΚΡΑΤΟΣ, ἠδὲ ΒΙΗΝ, ἀριδείκετα γείνατο τέκνα,
Τῶν οὐκ ἔστ' ἀπάνευθε Διὸς δόμος, οὐδέ τις ἕδρη,
Οὐδ' ὁδὸς, ὅππη μὴ κείνοις Θεὸς ἡγεμονεύει,
Ἀλλ' αἰεὶ πὰρ Ζηνὶ βαρυκτύπῳ ἑδριόωνται.

HES.

Florence

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THERE is no queſtion that has more perplexed ſpeculative men than this: *What Right has one man, or one nation, to ſubdue another?* and it is no wonder it ſhould perplex them, for the words *a Right* and *no Right* cannot enter into the ſolution of it, *pro* or *contrà*. *A Right* of Superiority is a term of Society, and expreſſive of ideas to which men who are ſtrangers to ſociety muſt be for ever ſtrangers. Now, in examining the peculiar Rights of men in Society, we conſtantly find that they derive their

origin, and validity, from ſome compact, ſpecial or general, expreſt or implied; and, upon this principle, when a Conqueſt is compleated, ſuch a compact may be poſſibly implied to have taken place between the Conqueror and the Conquered as may be ſufficient to ratify the Conqueſt, and to give to the Conqueror *a Right* of Governing: but the ſteps to be taken, previous to the completion of the Conqueſt, are ſuch as are directly oppoſite to the nature of ſociety or compact, and are, I verily believe, not reconcileable to any acknowledged principle of Law or Morality. And yet, when I examine my own feelings, and, as far as I can learn, the feelings and ſentiments of Mankind in general, I find that a Conqueror is not the object of our deteſtation; I find that our moral ſenſe of right and wrong is not offended, at his conduct; but that, on the contrary, he becomes by it the object of univerſal praiſe and admiration.

Here our reaſoning and our feeling are, manifeſtly, at variance; and to ſuch a degree

degree that one of them muſt be, neceſſarily, in the wrong. Without entering into the merits of this particular cauſe, the general preſumption ſeems to be ſtrongly in favour of feeling; as that is original and immediate: whereas our reaſoning, even in our communications with ourſelves, is conſtantly conveyed through the imperfect and fallacious channel of words, by which the mind is liable to be led into numberleſs errors. This is, perhaps, the cauſe that, in the actual conduct of life, we find the ancient Poets much better guides than the ancient Philoſophers. For the Philoſophers, in attempting to go deep into the eſſence of things, often, went deeper than their ſenſes were able to accompany them; and, generally brought back a cargo of opinions, ſupported by trains of reasoning, which, not being derived from facts, naturally produced concluſions which could find no facts to keep them in countenance. Whereas the Poets, whoſe province it was to pleaſe the fancy by the imagery of things, were

obliged to fill their works with the phænomena of nature, and to confine their reaſoning to thoſe ſhort obſervations which obviously aroſe from the facts and feelings they exhibited, or from others univerſally known and acknowledged. Thus they flattered, while they improved, the minds of their readers; by laying before them

What oft was thought, but ne' er ſo well expreſt,
Something whoſe truth convinc' d at Sight we find,
That gives us back the image of our mind.

Such is the philoſophy of HOMER, HESIOD, VIRGIL, HORACE, JUVENAL and others of the tunefull claſs, who addreſs themſelves conſtantly to the obſervations, or feelings of mankind, and owe their wide-ſpread, and long-poſſeſt fame to their having happily hit thoſe feelings they aimed at.

Of all the Sentiments in which the Poet ſympathizes with the reſt of mankind, none appear more frequently, or with greater luſtre, than thoſe which ſet forth the glories of Conqueſt.

Res

Res gerere, & captos oſtendere civibus hoſtes
Attingit ſolium Iovis, & cæleſtia tentat.

In vain do the Moraliſts preach to us that a man who invades the property of others at the head of fifty thouſand men is but a Robber on a larger ſcale; and that, as a ſingle Robber is the object of indignation and punishment, ſo ought the other in a much greater degree. In vain, I ſay, does he preach; for, though nobody is able to deny the juſtneſs of the reaſoning, no body feels the truth of the concluſion. Their hearts ſtill tell them that the Robber is deſerving of his halter, and the Conqueror of his laurel.

When a writer, by a train of logical deductions, proves to us that 2 and 2 make 5, the firſt thing to be done is to apply to our fingers to ſee if the fact is ſo. If, upon examining this undeniable evidence, we find it is not ſo, and that 2 and 2 make, in reality, no more than 4, we may ſafely conclude that the reaſoning, from whence

the contrary was drawn, had been, in ſome of its ſteps, erroneous; leaving the ſcrutiny into the particular error, as being a matter of mere curioſity, to be taken up at leiſure, or altogether neglected.

In applying this mode of proceeding to the preſent enquiry, I conſider the univerſal feelings of mankind as facts upon which we may ſafely reſt our diſcrimination of what is right from what is wrong, in the conduct of men. Our feelings of this ſort, when univerſal, and not confined to any particular age or country, muſt be allowed to be natural, a part of our original frame, and, like other animal inſtincts, the internal working of the Divinity, againſt which to oppoſe our feeble reaſon would be the higheſt degree of preſumption. The will of God, as manifeſted in the nature of things, is the only ſource from whence true wiſdom amongſt men can be derived; for

Numquam aliud Natura aliud Sapientia dicit,

and when we diſcover an inſtinct, by which men are univerſally impelled to approve certain

certain actions when performed by others, we may, without ſcruple, conclude that thoſe actions are according to ſome rule of right; that they are connected with ſome ſcheme of general utility; although our finite underſtandings should not be able to trace the connexion.

Weak, however, as our underſtandings are, they are often able to diſcover ſome of the links in the chain of divine Providence; and to perceive the manifeſt tendency of ſome of the ſeveral parts to the order and happineſs of the whole. Let us then try whether we cannot diſcover in what manner this paſſion for Conqueſt, and this admiration of Conquerors, contribute to the happineſs of Mankind.

Whoever conſiders the ſtructure of the human body, and compares it with that of other animals, muſt be ſtruck with the appearance of its diſadvantages. Without any natural covering, or natural ſhelter, againſt the inclemency of the weather; without any natural weapons for its defence

againſts beaſts of prey; without any ſwiftneſs ſufficient to effect an eſcape from them; and with very little natural food provided for its ſubſiſtance; it appears, of all animals, the moſt helpleſs and miſerable. But we are now enabled to ſee clearly that the Almighty, in the Creation of Man, did not deſtine him to remain in that abject ſtate; that he created him to be a ſocial animal, and to find in ſociety ſuch compenſations for all theſe diſadvantages as would put him, not only upon a level with the brute creation, but in a ſituation greatly ſuperior.

In all the works of God we conſtantly find the means moſt exactly, and beautifully, fitted to the end. Law being found neceſſary for producing order and juſtice in Society: Government being found neceſſary for producing law: and Supreme power being found neceſſary for conſtituting government: God ſaid, Let there be Supreme power, Government, Law, Order and Juſtice amongſt men. But who was to hold this

ſuperintending

ſuperintending power, ſo full of fatigue, diſquiet, and danger to thoſe who exerciſe it? For

Ad generum Cereris ſine cæde & ſanguine pauci
Deſcendunt reges, & ſicca morte tyranni.

To remove this obvious difficulty, the Almighty has ſown the ſeeds of an inſtinct called Ambition in every human breaſt, which impells them all to attempt the command of their fellow-creatures, whenever they perceive it to be practicable, let the hazard to themſelves be what it will; and from thence ariſes that blind paſſion for invaſion and conqueſt with which every page of the hiſtory of Mankind is filled.

But although theſe ſeeds are univerſally ſown, they do not ſpring up equally in every ſoil, and require, beſides, a certain combination of favourable circumſtances to bring them to maturity. This is likewiſe happily contrived: for if all men were, at all times, furiously bent upon commanding there would be no body left to obey; So that the whole

whole divine ſcheme of Government would be diſappointed; and, inſtead of order and quiet, this ambitious ſpirit would produce nothing but uninterrupted war and confuſion. But Man is *wonderfully made;* and, like the reſt of the univerſe, ſupported by a variety of ſeeming contradictions. As it was neceſſary, for conſtituting Government, that ſome ſhould command, it was, for the ſame wiſe purpoſe, equally neceſſary that others, and those the greateſt number, ſhould obey. But as it was no part of the divine ſcheme to appoint the individuals who were to command, and the individuals who were to obey, the ſeeds both of command and obedience were ſown in every heart; each, by turns, ready to ſpring up, and with equal vigour, as occaſion ſhould require. Thus we find that when the ſuperiority is decided, and power ſeems to be permanently fixed in any particular hands, the obedience of the reſt is ſomething more than paſſive: there appears, upon ſuch occaſions, an active propenſity

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to obedience, which turns duty into pleaſure, makes men happy with their inferiority, and zealous to ſerve their rulers, even to a degree of adoration;

——————— VICTOR*que volentes*
Per populos dat jura, viamque affectat Olympo.

and, indeed, if Conqueſt can be productive of ſuch bleſſings to Mankind as Government and Laws, the Conqueror, who is the apparent inſtrument of producing them, ſeems to be juſtly entitled to be called the Father of the Community, and to be treated with every mark of affection and reverence.

How comes it, then, that he, and his function are ſo much condemned in the ſpeculations of Moraliſts? Plainly, by the means of that falſe Analogy already mentioned; plainly, by their likening a Conqueror to a Robber, without perceiving that their ſituation and circumſtances are moſt eſſentially different. A Robber is ſuppoſed to be a member of ſome community, and ſubject to its laws; all of which tend to protect the perſons and property of the individuals, and

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to punish with ſeverity and ignominy all thoſe who invade them. The Rule of Right is eſtabliſhed by thoſe laws, and ſo are the ſentiments of men concerning it, with great uniformity. But independant Communities are as individual Savages, relatively to one another: ſo the laws of neither can be appealed to, as a common ſtandard. Some other ſtandard for deciding their differences muſt be ſought for, and no other has yet been found but that great law of Nature and Neceſſity which ordains the weak to ſubmit to the ſtrong, and to be ruled by them. Thus one invader is acknowledged to be above the law, in order to prevent every Parish from becoming an independent ſtate, and every man from becoming the Conqueror of his weaker neighbour: great evils, which can only be prevented by an over ruling power, being delegated to the Supreme Commander; or, what is very much the ſame for the ſecurity and quiet of the whole Society, by an over-ruling power aſſuming the ſupreme Command.

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There is another very capital difference between a Conqueror and a Robber. To rob is to deprive others of their property; but the word Conqueſt includes no ſuch idea, and is ſeldom or never productive of any ſuch conſequence. All that a conqueror claims is to put himſelf in the place of the perſon or perſons who ruled before the Conqueſt. He claims the Right of Governing, to which his Superiority of force has entitled him, with all the honours and emoluments of Government; but the motto held out by every Conqueror is, SUUM CUIQUE, *to every man his own*, and, amongſt the reſt, *to Caeſar the things that are Caeſars*. The people were never conſidered, even in the moſt deſpotic Governments, as the property of their Ruler; nor was their property ever conſidered as his. The infringement of Private property by the Supreme power has always been lookt upon with general indignation, as a Robbery; and the divine contriver of Government has ſeldom ſuffered it to go unpunished. Nor can neceſſity,

which

which is often pleaded in mitigation of the punishment of a common Robber, meet with any conſideration here; as the ſupreme Ruler, or body of Rulers, have a Right to demand from the *whole* community whatever is neceſſary for the protection of the *whole*, including whatever is neceſſary for their own ſecurity and comfort, in the moſt ample manner.

To conclude. All the theoretic writings upon Government, which have hitherto fallen into my hands, have endeavoured to eſtabliſh an idea of a *Right* to ſupreme authority altogether diſtinct from *force*. But facts are ſtubborn things, and have always refuſed their ſupport to ſuch theories; the futility of which becomes ſtill more evident whenever we conſider the nature of the ſocial Compact; whenever we conſider that mutual obligation of protection and ſervice, from whence the Rights of Sovereigns and ſubjects ariſe. For Protection always preſuppoſes a ſuperiority of force in the protecting party, as the leading

article

article in the agreement. This force being found wanting, the agreement is null, and the authority naturally devolves upon ſome other power that is able to fulfill the condition. Nothing can prove more calamitous to any Community than to have the *Authority* of Government in one ſet of hands, while the *Power* is actually found to be in another: and the words of Scripture were never more unfortunately applied than they were by King CHARLES the firſt, at his Tryal, when he ſaid, *Where the word of a King is,* THERE *is Power; and who can Say unto him, what doeſt thou? For if* Mr Preſident BRADSHAW had reverſed his text for him, and ſaid: *Where Power is,* THERE *is the word of a King;* the event would have ſoon proved how much nearer he was to the truth. Whether any independent man, or independent State has *a Right* to ſubdue another, is, as I ſaid in the beginning, a queſtion ſo ill ſtated that it will be difficult to give it any rational ſolution: the word *Right* being a term of ſociety, the ofspring of Law, and not applicable

applicable to the ſubject of Conqueſt, which is always antecedent to legislation. It appears to me that I have done enough in shewing that Conqueſt is a part of the divine diſpenſation, and that it was the will of God *to make Ambition virtue*. The Conqueror may call it his *allottment*, or his *Grace of God*, or what elſe he pleaſes; but, by what I have above remarked, upon the univerſally received principles of civil government, no man ought to pretend *a Right* to govern, except he can firſt prove that he has *a Right to be Strong*: and it was moſt wiſely, as well as piously ſaid, by the Emperor of Morocco, in his late anſwer to the King of Spain's manifeſto: *As for the Towns upon the Coaſt of Africa, which the King of Spain ſays belong to him; it is fit for his Majeſty to know, that they neither belong to him, nor to me, but to God Almighty, who will beſtow the command of them upon the perſon who ſhall be found, upon trial, to be the beſt qualified for it.*